

granorum), *Polygonati Rhizoma* (*Polygonatum sibiricum* Red.), and *Codonopsis lanceolata* Benth. et Hock. fil.

7. (Twice Amended) The health food product according to claim 1 further comprising at least one member selected from the group consisting of *Crataegi Fructus* (*Crataegus pinnatifida* Bge. var. major N.E.Br., *Crataegus pinnatifida* Bge., and *Crataegus cuneata* Sieb. et Zucc.), *Massa Medicata Fermentat*, *Raphani Semen* (*Rophanus sativus* L.), *Fructus Hordei Germinatus* (*Hordeum vulgare* Linné), *Fructus Oryzae Germinatus* (*Oryza sativa* L.), *Galli Stomachichum Corium* (*Gallus gallus domesticus* Brisson), and *Asa Foetida* (*Ferula assafoetida* Regel).

Please add new claim 8 as follows:

--8. The health food product according to claim 3 further comprising a vitamin.--

REMARKS

Claims 1, 3, 4, and 6-8 are pending. By this Amendment, claims 1, 3, 4, 6 and 7 are amended; claims 2 and 5 are canceled; and new claim 8 is added.

The attached Appendix includes marked-up copies of each rewritten paragraph (37 C.F.R. §1.121(b)(1)(iii)) and claim (37 C.F.R. §1.121(c)(1)(ii)).

I. Objection to the Specification

The specification is objected to for various informalities. In particular, the Office Action indicates that the specification contains plants referred to in Chinese using Chinese characters.

As amended, the Chinese characters are replaced with the English botanical names of the plants. These amendments are supported by the application as originally filed, and thus do not introduce new matter. Thus, applicants submit that this objection is overcome. Reconsideration and withdrawal of this objection are respectfully requested.

II. Objection to the Claims

Claim 6 is objected to because the claim contains a limitation in Chinese, including the pronunciations of the limitations presented in Chinese. As amended, the limitations in Chinese are replaced with the English botanical names of the plants. These amendments are supported by the application as originally filed, and thus do not introduce new matter. In addition, the pronunciations for these limitations are deleted.

Thus, in view of the amendment of claim 6, Applicant submits that this objection is overcome. Reconsideration and withdrawal of this objection are respectfully requested.

III. Rejection under §112, second paragraph

Claims 2, 5 and 6 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection. Claim 2 is incorporated into claim 1 in a modified form. In addition, claim 5 is canceled and the term "crude drug" has been deleted from claim 6. Thus, in view of these amendments, Applicant's submit that this rejection is overcome. Reconsideration and withdrawal of this rejection are respectfully requested.

IV. Rejection under §102

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by the Sigma Catalog (1997). Although Applicants do not necessarily agree with this rejection, in the interest of advancing prosecution, claim 1 is amended herein to incorporate the subject matter of non-rejected claim 2.

Thus, Applicants submit that the Sigma catalog does not anticipate claim 1 because the reference fails to teach each and every feature of the claimed invention. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1-5 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Mach (US 4,487,766). Applicants respectfully traverse this rejection.

As amended, claim 1 requires the combination of cholic acid at a daily dose of 10 to 1000 mg and at least one of isoflavones or isoflavone glycosides at a daily dose of 10 to 500 mg. In contrast, Mach only discloses an animal feed, which is not intended for human consumption, comprising a coarse ground soybeans and cholic acid. The reference fails to disclose the combination of cholic acid and at least one of isoflavones or isoflavone glycosides at the specific daily dosages claimed.

Although Mach discloses the percentages in which the various components of the animal feed are combined, the percentage composition does not yield a defined dose. Based on Table 1 in Mach, in 100 g of feed there is roughly 2 mg of cholic acid and between 30 to 45 mg of isoflavone. Mach further discloses that the feed is provided ad libitum. Thus, there clearly is no specified dosing of the cholic acid or the isoflavones. Nowhere does Mach disclose, teach or suggest a dose of the composition, having the specified amounts of the respective components. Mach only teaches that the feed is provided in whatever amount is desired by the animal, irrespective of a specific dose.

The Office Action further asserts that Mach anticipates the composition that further comprises a "crude drug," because Mach discloses the inclusion of green alfalfa flour. However, as discussed above, Mach fails to disclose the combination of cholic acid and isoflavones or isoflavone glycosides at the dosages claimed. Mach thus further does not disclose, teach or suggest the further inclusion of a crude drug in such a composition, as claimed.

Thus, Applicants submit that Mach does not anticipate claims 1-5 because the reference fails to teach each and every feature of the claimed invention. Reconsideration and withdrawal of this rejection are respectfully requested.

V. Rejections under §103

Claims 1 and 6 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Sha et al. (US 6,280,776) in view of Nakano et al. (JP 411046719A (English Abstract)).

Although Applicants do not necessarily agree with this rejection, in the interest of advancing prosecution, claim 1 is amended herein to incorporate the subject matter of non-rejected claim 2.

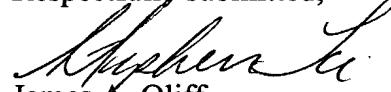
For at least these reasons, Applicants submits that claims 1 and 6 would not have been obvious over the cited references. Reconsideration and withdrawal of the rejection are respectfully requested.

VI. Conclusion

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 4 and 6-8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Stephen Tu
Registration No. P-52,304

JAO/SXT:amw

Attachment:
Appendix

Date: October 3, 2002

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461